



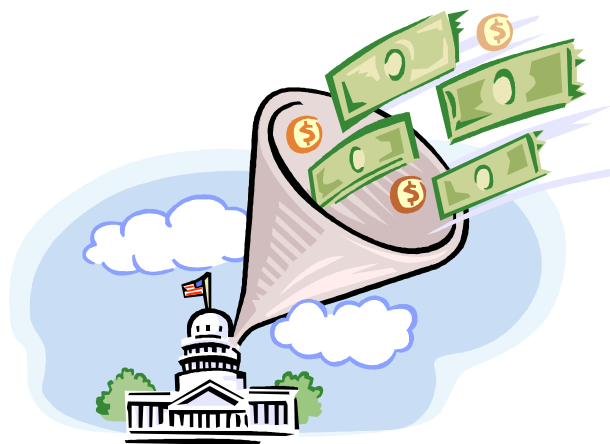
**March 15, 2010**

Dear Kitchen Cabinet members,

Today is the first day of the 2010 special session. Interestingly it's also the Ides of March, the day Julius Caesar was stabbed to death in the Roman Senate in 44 B.C. Will a similar fate befall any of the majority party's proposed tax increases here in the Washington State Senate? Not likely.

At a cost to taxpayers of nearly \$20,000 each day, we spent just half an hour on the floor passing bills this afternoon. Much of the time was spent with the Democrats in caucus and the rest of us waiting to see what they had planned. Since there was no set schedule as of yet, there was little else we could do. Then, after passing a few bills, including the same budget bill which passed before the end of the regular session, we were all sent home. **What a waste of taxpayer money.**

## Budget negotiations, round II



During my floor speech on the budget today, which I again voted against, I told my colleagues to get out the lipstick because we're getting ready to paint some pigs. [Senate Bill 6444](#), also known as the Senate proposed operating budget, includes \$350 million in new spending – and that's after accounting for caseload increases. That extra spending of taxpayer money that the state simply doesn't have will go to new programs and entitlements that the majority party created this session, and they expect to pay for it with nearly a billion dollars a year in new taxes.

Last week, I signed on to a bill which would prevent legislators from getting paid during a special session. During this period of state recession when the majority party is planning on raising your

taxes, I don't plan on being part of the problem. I am acutely aware of who is paying the bills, so I have told Senate Accounting to remove me from the daily payroll for the duration of the special session.

I believe this is a costly and embarrassing mistake for the majority party, which controls every aspect of state government. They had 60 days to reach agreement among themselves and still couldn't get it done in the time allotted. Republicans have been saying for years that overspending for more than four years would lead to the situation the state is facing. Now we're in a special session. **Only Olympia would make taxpayers pay nearly \$20,000 a day while it figures out it can squeeze more taxes out of Washington citizens.**

## **My accomplishments this session**

Even though the Legislature is now in a special session, the official 60-day 2010 session came to an end last Thursday. I was successful in getting a few of my ideas through both chambers of the Legislature and onto the governor's desk awaiting her signature to become law. These bills will increase public safety and protect the individuals who put their lives on the line protecting us.

**SB 6610 - Improving procedures relating to the commitment of persons found not guilty by reason of insanity.** Since the majority party chose not to act on my Guilty and Mentally Ill legislation, despite the idea having the governor's support, SB 6610 was passed as an alternative. This bill deals with how and when patients at Western and Eastern State Hospitals are released, and more specifically, how dangerous or potentially dangerous individuals are handled by the state.

The bill creates an independent public safety review panel to review DSHS's proposals for conditional release, furlough, temporary leaves, or movement around the grounds for persons found not guilty by reason of insanity (NGRI). **The panel must complete an independent assessment and provide a written determination of the public safety risk presented by any conditional release recommended by DSHS.** Also, If DSHS determines that a person committed as NGRI presents an unreasonable safety risk which, based on behavior, clinical history, and facility security is not manageable in a state hospital setting, the secretary may arrange for the placement of the person in any facility operated by DSHS **or the DOC**, provided that appropriate mental health treatment is provided.

I worked with Democrats such as Sen. Jim Hargrove of Hoquiam as well as the governor's office to get this bill to a point where public safety was at least on equal footing with the treatment of mental illness when determining where to place an individual.

**SB 6308 - Controlling computer access by residents of the special commitment center.**

Under this bill, a resident of the SCC is prohibited from accessing or possessing a personal computer if the resident's treatment plan states that access to a computer is harmful to bringing about a positive response to a phase or course of treatment. A person who is prohibited from accessing or possessing a personal computer is permitted to access a limited functioning device only capable of word processing and limited data storage.

A total of sixteen residents of the SCC are facing federal indictments for crimes related to possession of child pornography. Because a nine-month backlog of confiscated computers is still awaiting inspection, I expect that number to double. My original bill would have prevented even more children from being exploited by only allowing SCC residents access to a computer if DSHS officials deemed it necessary, but **I'm pleased that the Legislature was able to at least do something to address this disturbing pattern which has emerged.**

**HJR 4220 - Amending the state Constitution so that the provision relating to bailable crimes by sufficient sureties is modified.** This measure would allow judges to deny bail to someone who has committed a crime that could result in life in prison. It also stipulates that the Legislature will provide judges with a set of criteria with which to make a determination of the appropriateness of bail. Because it's a constitutional amendment, it will have to be approved by a vote of the people in November.

I'm going to break down the language of this measure to help you better understand what each part does. Let's start with the beginning:

**"Article I, section 20. All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great."**

This is the original language in the state constitution. Article I, section 20, ends after this sentence. HJR 4220 adds the following language:

**"Bail may be denied for offenses punishable by the possibility of life in prison..."**

This new language includes all class-A felony crimes, crimes which qualify as a person's second strike (for sex crimes) and crimes which qualify as a person's third strike for three-strike crimes. It does not include a person's first-strike sex crime or first or second strike for other crimes. **I am disappointed that we weren't able to go beyond that.** In fact, I would have liked to see judges given the ability to deny bail to all persons charged with felonies based upon that person's criminal history; however I have had to work around some members of the majority party who would rather do nothing. Let's take a closer look at the rest:

**"...upon a showing by clear and convincing evidence of a propensity for violence that creates a substantial likelihood of danger to the community or any persons,..."**

In one prior version, the proposal said "a propensity for violence AND creates a likelihood of danger," making the application of the amendment subject to two separate requirements before it would be effective in protecting the public. I was able to get the word "and" changed to "that," thereby merging the two requirements into a single measure. **In this form, it will apply to more individuals and judges will be able to keep more dangerous individuals off our streets.** Now for the final and perhaps most important part:

**"...subject to such limitations as shall be determined by the Legislature."**

In the original version, the word "limitations" was actually "standards." The governor personally asked me to change the word and gave me several options. I picked "limitations" because I believe it gives us the possibility of expanding the meaning of this part of the constitution.

An important thing to remember about this measure is that it's not just about the crimes for which bail can be denied...**it's also about the crimes for which bail will be granted.**

## In closing...

If you know someone in our district who might be interested in receiving these updates, please feel free to forward this e-mail to him or her. You can always find information online by visiting my website at [www.SenateRepublicans.wa.gov/Carrell](http://www.SenateRepublicans.wa.gov/Carrell).



As always, if you'd like to contact me you can write, phone, e-mail, or stop by my Olympia office. I look forward to your comments and suggestions because they help me better represent you. My office phone number is (360) 786-7654, and my home phone number is (253) 581-2859. Or you can write me at **102 Irv Newhouse Building, P.O. Box 40428, Olympia, WA 98504-0428.**

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Sincerely,

Mike Carrell

28<sup>th</sup> District State Senator